

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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CHARLES LAFAYETTE SHEARS,

Plaintiff,

v.

Case No. 04-C-1038

MILWAUKEE COUNTY,

Defendant.

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**ORDER**

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On June 15, 2006, the court conducted a conference with the parties on the plaintiffs motion to amend the trial date. The plaintiff appeared by Attorney Tricia Knight and the defendants appeared by Attorneys John Schapekahm and Roy Williams.

Based on the discussion at the conference, the plaintiff's motion to amend the trial date was granted. (Docket # 45). The plaintiff's motion in limine seeking an order excluding any testimony or evidence which is "inconsistent with or in addition to [the defendants'] discovery responses" was denied for the reasons stated on the record. (Docket # 31). Given the rescheduled trial date, the plaintiff's motion for a writ of habeas corpus ad testificandum was denied. (Docket # 37). The defendants' motion in limine (Docket # 30) is fully briefed and will be addressed in a separate decision.

The court also set a briefing schedule on the defendants' proposed motion for summary judgment. The motion will be limited to the issues of the plaintiff's procedural due process claim and whether Milwaukee County is properly named as a defendant. The parties were encouraged, to the extent possible, to file a joint statement of facts with respect to the summary judgment motion.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the plaintiff's motion in limine seeking an order excluding any testimony or evidence which is "inconsistent with or in addition to [the defendants'] discovery responses" be and hereby is **denied**. (Docket # 31).

**IT IS ALSO ORDERED** that the plaintiff's motion for a writ of habeas corpus ad testificandum be and hereby is **denied**. (Docket # 37).

**IT IS FURTHER ORDERED** that the defendants shall file their motion for summary judgment with supporting submission on or before **July 10, 2006**. The plaintiff's responsive brief and other submissions shall be filed by **August 10, 2006**. Any reply brief shall be filed by **August 24, 2006**. To the extent possible, the parties shall file a joint statement of stipulated facts.

**IT IS ALSO ORDERED** that the parties shall appear for a jury trial on **November 13, 2006**, at **1:15 p.m.** at the United States Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin. The parties will be advised of the courtroom at a later date.

**IT IS ALSO ORDERED** that the parties shall appear for a telephone conference with the court on **Thursday, November 2, 2006**, at **2:30 p.m.** to discuss any revisions to the parties' final pretrial reports. The court will initiate the conference call.

Dated at Milwaukee, Wisconsin this 16th day of June, 2006.

BY THE COURT:

s/Patricia J. Gorence  
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PATRICIA J. GORENCE  
United States Magistrate Judge